



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/258,132	02/26/1999	PHILIP GOELET	04990.0007.U	3407
7590 03/23/2009				
David A. Kalow, Esq. KALOW, SPRINGUT & BRESSLER, LLP 488 Madison Ave. 19th Floor New York, NY 10022				
EXAMINER				
MYERS, CARLA J				
ART UNIT		PAPER NUMBER		
1634				
MAIL DATE		DELIVERY MODE		
03/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte*: PHILIP GOELET, MICHAEL R. KNAPP AND STEPHEN  
ANDERSON

---

Application No. 09/258,132  
Technology Center 1600

---

Mailed: March 23, 2009

---

Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team*  
PERRY, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 29, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 21, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) consider the Reply Brief filed November 21, 2008, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

David A. Kalow, Esq.  
KALOW, SPRINGUT & BRESSLER, LLP  
488 Madison Ave.  
19<sup>th</sup> Floor  
New York NY 10022

Application No. 09/258,132